

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JANINE BANKS, <i>et al.</i> ,	:	Civil No. 3:19-CV-01617
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
ALLSTATE FIRE AND CASUALTY	:	
INSURANCE COMPANY, and	:	
ALLSTATE INSURANCE COMPANY,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

ORDER

AND NOW, on this 13th day of April, 2020, for the reasons set forth in the accompanying memorandum, **IT IS ORDERED** that the Defendants' motion to dismiss (Doc. 47) is **GRANTED IN PART AND DENIED IN PART AS FOLLOWS:**

1. The motion is **DENIED** to the extent that it seeks to dismiss the second amended complaint as untimely.
2. The motion is **GRANTED** with respect to Plaintiffs' breach of contract claim (Count I). Plaintiffs' breach of contract claim is **DISMISSED WITHOUT PREJUDICE**.
3. The motion is **GRANTED** with respect to Plaintiffs' claim for breach of the implied covenant of good faith and fair dealing (Count II). Plaintiffs' claim for breach of the implied covenant of good faith and fair dealing is **DISMISSED WITH PREJUDICE**.

4. The motion is **DENIED** with respect to Plaintiffs' claim for violation of the Unfair Trade Practices and Consumer Protection Law (Count III).
5. The motion is **GRANTED** with respect to Plaintiffs' bad faith claim (Count IV). Plaintiffs' bad faith claim is **DISMISSED WITH PREJUDICE**.
6. The motion is **GRANTED** with respect to Plaintiffs' claims for payment of medical billing (Counts V–VII). Plaintiffs' claims for medical billing are **DISMISSED WITHOUT PREJUDICE**.
7. The motion is **GRANTED** with respect to Plaintiffs' unjust enrichment claim (Count VIII). Plaintiffs' unjust enrichment claim is **DISMISSED WITHOUT PREJUDICE**.
8. The motion is **GRANTED** with respect to Defendant Allstate Insurance Company. Allstate Insurance Company is dismissed from this case.
9. Plaintiffs may file a third amended complaint in accordance with this order and the accompanying memorandum on or before **May 4, 2020**.
10. If Plaintiffs do not file a third amended complaint by the above date, Defendants shall answer the Plaintiffs' second amended complaint in accordance with the Federal Rules of Civil Procedure.

s/Jennifer P. Wilson
JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania